

1 GIRARDI | KEESE
2 Thomas V. Girardi (36603)
tgirardi@girardikeese.com
3 Stephen G. Larson (145225)
slarson@girardikeese.com
4 Shahram A. Shayesteh (209775)
sshayesteh@girardikeese.com
5 1126 Wilshire Boulevard
Los Angeles, California 90017
Telephone (213) 977-0211
6 Facsimile (213) 481-1554
7 Attorneys for Indirect Purchaser Plaintiffs: Christopher
Johnston, Dennis McDavid, Sally O'Donaghue, Murray Miller
and Andrew Crosby, on behalf of themselves and others
8 similarly situated

9 [Additional Attorneys Appear on Signature Page]

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12
13
14 **IN RE OPTICAL DISK DRIVE ANTITRUST
LITIGATION**

15
16
17
18
19
20
21
22
23
24
25
26
27
28
Case No. M:10-cv-02143 VRW

CLASS ACTION

LODGING OF PROPOSED
LEADERSHIP ORDER FOR
INDIRECT PURCHASER
PLAINTIFFS

This Order Relates To:

ALL INDIRECT PURCHASER ACTIONS

NOW COMES Stephen G. Larson of Girardi | Keese on behalf of its clients and counsel for the Indirect Purchaser Plaintiffs and their clients set forth below, and, pursuant to the Joint Case Management Conference Statement ("CMS") filed on April 29, 2010, submits to this Court for its consideration in advance of the Case Management Conference a proposed Interim Leadership Order for the Indirect Purchaser Plaintiffs.

1 As set forth in the CMS, "a majority of the Indirect Purchaser Plaintiffs will be submitting
2 a similar proposal [to that submitted by counsel for the Direct Purchaser Plaintiffs and what was
3 done in *In re Tableware Antitrust Litig.*, No. C-04-3514 VRW (N.D. Cal.)], which has the support
4 of 17 of the law firms who have filed actions on behalf of Indirect Purchaser Plaintiffs." CMS at
5 6. This proposed order has been circulated -- and is the product of weeks of cooperative meeting
6 and conferring -- among all of the counsel with then-filed Indirect Purchaser complaints. The
7 undersigned understand that other counsel for Indirect Purchasers, the majority of whom filed a
8 complaint today and all of whom have filed complaints within the last week, will be submitting
9 an alternative proposal to the Court, a proposal which has not been circulated or submitted to
10 discussion outside this group of recent filers.

12 Subject to the Court's comments and direction, counsel set forth below are prepared to
13 proceed by formal motion pursuant to Fed. R. Civ. P. 23 (g) (3) seeking this Court's approval of
14 the proposed order.

16
17 DATED: April 29, 2009

GIRARDI | KEESE

19 BY: 

GIRARDI | KEESE
Thomas V. Girardi (36603)
Stephen G. Larson (145225)
Shahram A. Shayesteh (209775)
1126 Wilshire Boulevard
Los Angeles, CA 90017

20
21
22
23 Attorneys for Indirect Purchaser Plaintiffs:
24 Christopher Johnson, Dennis McDavid,
Sally O'Donaghue, Murray Miller and
Andrew Crosby, on behalf of themselves
25 and others similarly situated

1 PRESENTED BY:

2 BROWNE WOODS GEORGE, LLP
3 Michael A. Bowse (189659)
4 Eric Marc George (166403)
5 Lee Weiss (Pro Hac Vice Motion Pending)
6 2121 Avenue of the Stars, Suite 2400
7 Los Angeles, CA 90067
8 Attorneys for Indirect Purchaser Plaintiff: Michael's
9 Company

10
11 GIRARD GIBBS, LLP
12 Daniel C. Girard (114826)
13 Elizabeth C. Pritzker (146267)
14 601 California Street, Suite 1400
15 San Francisco, CA 94104
16 Attorneys for Indirect Purchaser Plaintiff: David
17 Carney, Jr., on behalf of himself and all others
18 similarly situated

19
20 GOLDMAN SCARLATO & KARON, PC
21 Daniel R. Karon (Pro Hac Vice Motion Pending)
22 700 W. St. Clair Avenue, Suite 204
23 Cleveland, OH 44113-1998
24 Attorneys for Indirect Purchaser Plaintiffs: Scott
25 Friedson, Guy Snowdy, and Sharon Defren, on behalf
26 of themselves and all others similarly situated in their
27 respective classes

28
29 HAGENS BERMAN SOBOL SHAPIRO, LLP
30 Steve W. Berman (Admitted *pro hac vice*)
31 Jeffrey D. Friedman (173886)
32 715 Hearst Avenue, Suite 202
33 Berkeley, CA 94710
34 Attorneys for Indirect Purchaser Plaintiff: Aaron
35 Wagner, on behalf of himself and others similarly
36 situated

37
38 MASON LLP
39 Donna F. Solen (Pro Hac Vice Motion Pending)
40 1625 Massachusetts Avenue N.W., Suite 605
41 Washington, DC 20036
42 Attorneys for Indirect Purchaser Plaintiffs: Scott
43 Friedson, Guy Snowdy, and Sharon Defren, on behalf
44 of themselves and all others similarly situated in their
45 respective classes

1 MINAMI TAMAKI, LLP
2 Brad Yamauchi (73245)
3 Jack W. Lee (71626)
360 Post Street, 8th Floor
San Francisco, CA 94108
4 Attorneys for Indirect Purchaser Plaintiff: Bay Area
5 Systems, LLC, on behalf of itself and all others
similarly situated

6 MURRAY & HOWARD, LLP
7 Gilmur Roderick Murray (111856)
Derk G. Howard (118082)
900 Larkspur Landing Circle, Suite 103
Oakland, CA 94939
9 Attorneys for Indirect Purchaser Plaintiff: Bay Area
10 Systems, LLC, on behalf of itself and all others
similarly situated

11 LAW OFFICE OF KRISHNA B. NARINE
12 Krishna B. Narine (Pro Hac Vice Motion Pending)
2600 Philmont Avenue, Suite 324
13 Huntington Valley, PA 19006
14 Attorneys for Indirect Purchaser Plaintiffs: Scott
15 Friedson, Guy Snowdy, and Sharon Defren, on behalf
16 of themselves and all others similarly situated in their
respective classes

17 O'DONNELL & ASSOCIATES
18 Pierce Henry O'Donnell (081298)
Robert M. Partain (221477)
800 Wilshire Boulevard, Suite 500
19 Los Angeles, CA 90017
20 Attorneys for Indirect Purchaser Plaintiff: Alireza
21 Tabatabai, on behalf of himself and all others similarly
situated

22 PRATA & DALEY, LLP
23 Robert J. Prata (162600)
Todd A. Daley (168742)
Cassandra J. Zappaterreno (208798)
515 South Figueroa Street, Suite 1515
24 Los Angeles, CA 90071
25 Attorneys for Indirect Purchaser Plaintiff: Tom Daley,
26 individually and on behalf of others similarly situated,
and on behalf of the general public

1 RAM & OLSON, LLP
2 Michael F. Ram (104805)
3 555 Montgomery Street, Suite 820
4 San Francisco, CA 94111
5 Attorneys for Indirect Purchaser Plaintiffs: Scott
Friedson, Guy Snowdy, and Sharon Defren, on behalf
of themselves and all others similarly situated in their
respective classes,

6 LAW OFFICES OF JULIO J. RAMOS
7 Julio J. Ramos (189944)
8 35 Grove Street, Suite 107
9 San Francisco, CA 94102
10 Attorneys for Indirect Purchaser Plaintiff: Don
Cheung dba Computer 5000, on behalf of himself and
all others similarly situated

11 RUKIN HYLAND DORIA & TINDALL, LLP
12 Peter Rukin (178336)
13 100 Pine Street, Suite 725
14 San Francisco, CA 94111
15 Attorneys for Indirect Purchaser Plaintiff: James P.
Ito-Adler, on behalf of himself and all others similarly
situated

16 SHAPIRO HABER & UMY, LLP
17 Thomas G. Shapiro (Pro Hac Vice Motion Pending)
18 Charles T. Tompkins (Pro Hac Vice Motion Pending)
19 Robert E. Ditzion (Pro Hac Vice Motion Pending)
20 53 State Street
Boston, MA 02109
21 Attorneys for Indirect Purchaser Plaintiff: James P.
Ito-Adler, on behalf of himself and all others similarly
situated

22 SHARP McQUEEN PA
23 Isaac L. Diel (Pro Hac Vice Motion Pending)
24 6900 College Blvd., Suite 285
25 Overland Park, KS 66223
26 Attorneys for Indirect Purchaser Plaintiffs: Scott
Friedson, Guy Snowdy, and Sharon Defren, on behalf
of themselves and all others similarly situated in their
respective classes

1 WILKES & McHUGH
2 Casey A. Hatton (246081)
3 3780 Kilroy Airport Way, Suite 220
4 Long Beach, CA 90806
5 Attorneys for Indirect Purchaser Plaintiffs: Mary Jane
6 Garland, Laura Allen, V. Carlos Palmeri, M.D., and
7 Thomas Lewis, on behalf of themselves and others
8 similarly situated

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

GIRARDI | KEESE
Thomas V. Girardi (36603)
tgirardi@girardikeese.com
Stephen G. Larson (145225)
slarson@girardikeese.com
Shahram A. Shayesteh (209775)
sshayesteh@girardikeese.com
1126 Wilshire Boulevard
Los Angeles, California 90017
Telephone (213) 977-0211
Facsimile (213) 481-1554

Attorneys for Indirect Purchaser Plaintiffs: Christopher Johnson, Dennis McDavid, Sally O'Donaghue, Murray Miller and Andrew Crosby, on behalf of themselves and others similarly situated

[Additional Attorneys Appear on Signature Page]

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE OPTICAL DISK DRIVE ANTITRUST LITIGATION

Case No. M:10-cv-02143 VRW

CLASS ACTION

**[PROPOSED] ORDER
ESTABLISHING ORGANIZATION
OF COUNSEL IN INDIRECT
PURCHASER CLASS ACTIONS**

This Order Relates To:

ALL INDIRECT PURCHASER ACTIONS

1. There shall be a Committee of Indirect Purchaser Plaintiffs' Counsel and its members shall be comprised of the following firms: Browne Woods George LLP; Girard Gibbs LLP; Girardi | Keese; Goldman Scarlato & Karon, PC; Hagens Berman Sobol Shapiro LLP; Minami Tamaki LLP and Shapiro Haber Urmy LLP. The Committee shall be chaired by:

Stephen G. Larson
Girardi | Keese
1126 Wilshire Boulevard
Los Angeles, CA 90017
(213) 977-0211

2. The Chair shall have administrative responsibility to oversee the litigation, including any subsequent related or add-on cases, on behalf of the Indirect Purchaser Plaintiffs, and any agreements entered into with Defendants and their counsel shall be binding on all Indirect Purchaser Plaintiffs. The Chair will have responsibility for receiving orders, notices, correspondence, and telephone calls from the Court on behalf of all Indirect Purchaser Plaintiffs, and for preparing and distributing the same to all Indirect Purchaser Plaintiffs' counsel upon direction from the Court, and further shall serve as the primary point of contact for Defendants. The Chair will also have responsibility for collecting funds from the Indirect Purchaser Plaintiffs' Counsel as needed to defray the common costs incurred in the prosecution of this litigation; requiring and collecting from Indirect Purchaser Plaintiffs' Counsel periodic reporting of their time and expenses incurred in the litigation; and maintaining and distributing a master service list of all parties and their respective counsel. The Chair shall also perform such other duties and undertake such other responsibilities as deemed necessary or desirable in connection with the prosecution of the litigation.

3. The Committee of Indirect Purchaser Plaintiffs' Counsel shall work efficiently as a group on all aspects of the litigation and shall have the following responsibilities:

a. To organize and develop a plan for conducting the litigation on behalf of all Indirect Purchaser Plaintiffs, assigning tasks among Indirect Purchaser Plaintiffs' Counsel, and to call and conduct meetings of the Committee, as needed, to effectively conduct the litigation;

b. To consult with and employ experts;

c. To coordinate the briefing and argument of motions and preparation, service and filing of opposing briefs in proceedings initiated by other parties;

d. To coordinate the initiation and conduct of discovery proceedings, including, but not limited to, the preparation of joint written interrogatories and requests for the production of documents;

1 e. To coordinate the selection of counsel to act as spokesperson(s) at any hearings or
2 pretrial conferences.

3
4 IT IS SO ORDERED.

5 Dated: _____, 2010

6 _____
7 The Honorable Vaughn R. Walker
United States District Court Judge

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28